

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Richard D. Guarino et al.

SERIAL NO.: 10/660,781 GROUP: 1754

FILING DATE: September 12, 2003 EXAMINER:

FOR: COVALENTLY ATTACHED COLLAGEN VI FOR CELL
ATTACHMENT AND PROLIFERATION

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**INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)**

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO/SB/08A(s), attached hereto.

II. **COPIES** (check at least one box)

- a. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. Some or all of the documents listed on the PTO/SB/08A are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d. **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

- IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)
- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge Deposit Account No. 02-1666 in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
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- before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).
- a. No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.

- No fee is required.
- Please charge Deposit Account No. 02-1666 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-1666.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-1666 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

By


Jaconda Wagner, Reg. No. 42,207

Date: February 23, 2004

Becton, Dickinson and Company
1 Becton Drive, MC 089
Franklin Lakes, New Jersey 07417
(201) 847-6659

- Enclosures:
- PTO/SB/08A
 - Documents
 - Foreign Search Report
 - Fee
 - Other:

(Rev. 01/03/03)

Doc. No. 74606

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BY: SUSAN R. WAGNER
<u>Susan R. Wagner</u> (SIGNATURE)
<u>2/24/04</u> (DATE)



U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/660,781
Filing Date	09-12-2003
First Named Inventor	Guarino et al.
Art Unit	
Examiner Name	
Attorney Docket Number	P-5769

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 02/10348	02-07-2002	THOMSON et al.		
		WO 97/13855	04-17-1997	PLUSCHKE et al.		
		EP 324852	07-26-1989	STONE		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.4.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/660,781
Sheet	2	of	3	Filing Date	09-12-2003
				First Named Inventor	Guarino et al.
				Art Unit	
				Examiner Name	
				Attorney Docket Number	P-5769

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ATKINSON et al., Exp Cell Res (1996) 228(2):283-91.	
		AUMAILLEY et al., Exp Cell Res (1989) 81(2):463-74.	
		BRAGHETTA et al., Eur J Biochem. (1997) 247(1):200-08.	
		CHEN et al. (2000), Advanced Materials 12:455-457.	
		DRUMHELLER et al., Bioactive Peptides and Surface Design, in Interfacial Phenomena and Bioproducts, J.L. Brash and P.W. Wojciechowski, Eds. 1996, Marcel Dekker: New York. pp.273-310.	
		ELBERT et al., Annu. Rev. Mater. Sci. (1996) 26:365-94.	
		GOLUMBFISKIE et al., PNAS (1999) 96(21):11707-12.	
		GRINNELL, F., Int. Rev. Cytol. (1978) 53:65-144.	
		HORBETT et al., Journal of Biomedical Materials Research (1988) 22: 763-93.	
		HORBETT et al., Cell Culturing: Surface Aspects and Considerations, in Interfacial Phenomena and Bioproducts, J.L. Brash and P.W. Wojciechowski, Eds. 1996, Marcel Dekker, Inc.: New York. pp. 351-445.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
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				Application Number	10/660,781
				Filing Date	09-12-2003
				First Named Inventor	Guarino et al.
				Art Unit	
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	P-5769

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		HORBETT, T.A., Colloids and Surfaces B: BiolInterfaces (1994) 2: p. 225-40.			
		HORBETT, T.A., Protein Adsorption on Biomaterials, in Biomaterials: Interfacial Phenomena and Applications, S.L. Cooper and N.A. Peppas, Eds. 1982, American Chemical Society: Washington, DC. pp.233-44.			
		HUBBELL, J.A., Biotechnology (1995) 13:565-76.			
		IKUYO et al., Differentiation (2002) 70-(2-3) p 84-91.			
		KLEIN et al., Blood. (1995) 86(5):1740-8.			
		NORDE, W., Advances in Colloid and Interface Science (1986) 25:267-340.			
		RUHL et al., J Biol Chern. (1999) 274(48):34361-68.			
		SABATELLI et al., Matrix Biol. (2001) 20(7):475-86.			
		SOMASUNDARAM et al., J Biol Chem. (2002) 277(5):3242-46.			
		WEBB et al., Journal Biomedical Materials Research (2000). 49:362-68.			

Examiner Signature		Date Considered	
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